

FILED
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U.S. DISTRICT COURT E.D.N.Y.

★ APR 14 2010 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ALLSTATE INSURANCE COMPANY,
ALLSTATE INDEMNITY COMPANY,
ALLSTATE PROPERTY & CASUALTY
INSURANCE COMPANY
AND ALLSTATE NEW JERSEY
INSURANCE COMPANY,

Plaintiffs,

vs.

DANIEL LEVY A/K/A DIMA, ALEX
LEVY A/K/A SASHA, HOI YAT KAM,
M.D., SALVATORE LENTINI, D.C.,
YAN YAN YU A/K/A ANGELA,
HAROUTYOUN TIKRANIAN, D.C., LAI
FAN XUE, A/K/A LISA, CHENG HE SU,
ALEKSANDRA GASHINSKAYA, M.D.,
BRONX SHERIDAN MEDICAL, P.C.,
NEW LITE BRONX MEDICAL, P.C.,
COMFORT CHIROPRACTIC, P.C.,
ALIGN CHIROPRACTIC CARE, P.C., QI
BAO ACUPUNCTURE, P.C., TAI JI
ACUPUNCTURE, P.C., DESMOND
CONNELL, ESQ., MARY JIMENEZ,
LLOYD MODESTO, RONALD
SCHWARTZ, DAN MADRID, BEST
STAR ADVERTISEMENT CORP., PRO-
TWO MANAGEMENT CORP., AND
UNITED MEDICAL BILLING &
COLLECTION CORP.,

Defendants.

Civil Action No. _____

CV 10 - 1652

DECLARATION OF
JASMINE G. VIEUX
IN SUPPORT OF
PLAINTIFFS' ORDER
TO SHOW CAUSE FOR
AN ORDER OF
PREJUDGMENT
ATTACHMENT

BLOCK, J.

POHORELSKY, M.J.

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

Jasmine G. Vieux, being duly sworn, deposes and says:

1. I am an associate of Smith & Brink, P.C., attorneys for plaintiffs, Allstate Insurance Company, Allstate Indemnity Company, Allstate Property & Casualty Insurance Company, and Allstate New Jersey Insurance Company, (collectively “Allstate” and/or “plaintiffs”) and as such am fully familiar with the facts of this matter.

2. I submit this affidavit pursuant to Fed. R. Civ. P. 64 and New York Civil Practice Law and Rules (“CPLR”) §§ 6201 and 6212 in support of plaintiffs’ Order to Show Cause for an Order of Prejudgment Attachment (filed herewith) regarding the real property and personal property assets of defendants, Daniel Levy, Alex Levy, Hoi Yat Kam, M.D. (“Kam”), Salvatore Lentini, D.C. (“Lentini”), Haroutyoun Tikranian, D.C. (“Tikranian”), Yan Yan Yu (“Yu”), Cheng He Su (“Su”), Aleksandra Gashinskaya, M.D. (“Gashinskaya”), Lai Fan Xue (“Xue”), Desmond Connell, Esq., (“Connell”), Mary Jiminez (“Jiminez”), Lloyd Modesto (“Modesto”), Ronald Schwartz (“Schwartz”), Dan Madrid (“Madrid”), Bronx Sheridan Medical, P.C. (“Bronx Sheridan”), New Lite Bronx Medical, P.C. (“New Lite”), Comfort Chiropractic, P.C. (“Comfort”), Align Chiropractic Care, P.C. (“Align”), Qi Bao Acupuncture, P.C. (“Qi Bao”), Tai Ji Acupuncture, P.C. (“Tai Ji”), Best Star Advertisement Corp. (“Best Star”), Pro-Two Management Corp. (“Pro Two”), and United Medical Billing & Collection Corp. (“United Medical”) (collectively “defendants”).

3. The relevant facts in support of this request are set forth in the Order to Show Cause for an Attachment Order (filed herewith), Complaint (and related Exhibits), the Motion and Memorandum of Law in Support of Allstate’s Motion for Prejudgment Attachment of Assets (filed herewith), and the Affidavits of Richard Smith and Michael Bruno (filed herewith).

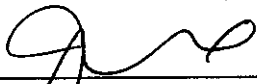
4. The Exhibits submitted in support of this motion are:

- Affidavit of Richard Smith (Docket #1 at Ex. 3);
- Affidavit of Michael Bruno;
- *People of the State of New York v. Daniel Levy, et. al.*, Supreme Court of the State of New York, County of Bronx, Indictment No. 2441/2009 (Docket # 1 at Ex. 1);

5. It is respectfully submitted that these Exhibits, the Affidavit of Richard Smith, the Affidavit of Michael Bruno, and the annexed Motion and Memorandum of Law provide legally sufficient support for the issuance of the requested relief, specifically that plaintiffs have established: (i) a claim for money judgment; (ii) a probability of success on the merits of their claims; (iii) that defendants have secreted assets with the intent to defraud Allstate, and frustrate the enforcement of a judgment likely to be rendered in Allstate's favor; and (iv) that the amount demanded from defendants is greater than the amount of any known counterclaim.

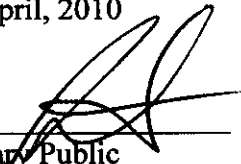
WHEREFORE, plaintiffs, Allstate Insurance Company, Allstate Indemnity Company, Allstate Property & Casualty Insurance Company, and Allstate New Jersey Insurance Company, respectfully move this Court to enter an order compelling the defendants, Daniel Levy, Alex Levy, Hoi Yat Kam, M.D., Salvatore Lentini, D.C., Haroutyoun Tikranian, D.C., Yan Yan Yu, Cheng He Su, Aleksandra Gashinskaya, M.D., Lai Fan Xue, Desmond Connell, Esq., Mary Jiminez, Lloyd Modesto, Ronald Schwartz, Dan Madrid, Bronx Sheridan Medical, P.C., New Lite Bronx Medical, P.C., Comfort Chiropractic, P.C., Align Chiropractic Care, P.C., Qi Bao Acupuncture, P.C., Tai Ji Acupuncture, P.C., Best Star Advertisement Corp., Pro-Two Management Corp., and

United Medical Billing & Collection Corp., or their attorneys, to appear and show cause why an order, pursuant to Fed. R. Civ. P. 64 and CPLR § 6212, should not be entered granting a prejudgment writ of attachment against the real property and personal property assets of defendants up to \$2,750,000.00.



Jasmine G. Vieux

Subscribed and Sworn to
Before me on this 13 day
of April, 2010



Notary Public

RICHARD STEIGMAN
Notary Public, State of New York
No. 02ST5074742
Qualified in Nassau County
Commission Expires 03/24/11